

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Agnieszka Boesen Art Unit: 1648
Re: Application of: SUNG, Young Chul et al.
 Serial No.: 10/528,644
 Filed: March 18, 2005
 For: **A VACCINE ENHANCING THE PROTECTIVE
 IMMUNITY TO HEPATITIS C VIRUS USING
 PLASMID DNA AND RECOMBINANT
 ADENOVIRUS**

DECLARATION OF DEPOSITOR

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

February 9, 2011

SIR:

I, SUNG, Young Chul hereby state:

1. That I am a co-inventor of the above-identified patent application.
2. That, on August 29, 2002, I deposited samples of

pGX10 gDs Δ ST, pGX10 NS34, pGX10 NS5, rAd gDs Δ ST, rAd gDssNS34 and rAd NS5

with the *Korean Culture Center of Microorganisms (KCCM), as an International Depository Authority, at #361-221 Yurim B/D, Hongje-1-dong, Seodemun-gu, Seoul 120-091, Republic of Korea*, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Number KCCM 10415, KCCM 10417, KCCM 10416, KCCM 10418, KCCM 10420 and KCCM 10419, respectively.

Copies of the accession agreement are annexed hereto as Exhibit A.

3. I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the deposited materials referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is the subject; (b) the deposited materials will be maintained for a period of at least five years after the most recent request for the furnishing of samples of any of the deposited materials were

received by the KCCM and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

* February 9, 2011

Date

SUNG, Young Chul

A handwritten signature in cursive script, reading "Sung Young Chul".

Exhibit A

Deposit Receipts for KCCM 10415, KCCM 10417, KCCM 10416, KCCM 10418, KCCM 10420 and KCCM 10419, respectively in U.S. Ser. No. 10/528,644 are as follow:

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To, Young Chul Sung
Department of Life Science,
Pohang University of Science and Technology,
Pohang 790-784, Korea

RECEIPT IN THE CASE OF AN ORIGINAL
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : pGX10 gDs/ST	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10415
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002. (date of the original deposit) ¹	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : Korean Culture Center of Microorganisms Address : 361 221, Yurim E/D Hongje 1-dong, Seodaemun-gu SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s) : Date: Sep. 5, 2002

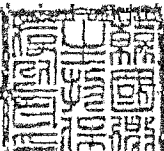
¹ Where Rule 8.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To: Young Chul Sung
Department of Life Science,
Pohang University of Science and Technology,
Pohang 780-784, Korea

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I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : pGX10 NS34	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10417
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002. (date of the original deposit) ¹	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : Korean Culture Center of Microorganisms Address : 361-221, Yurim B/D Hongje-1-dong, Seodaejeon-gu SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: Sep. 5, 2002 <div style="text-align: center; margin-top: 10px;">  </div>


¹ Where Rule 6.4(b) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
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INTERNATIONAL FORM

To: Young Chul Surur
Department of Life Science,
Pohang University of Science and Technology,
Pohang 790-784, Korea

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I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : pGX10 NS5	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10416
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002. (date of the original deposit) ¹	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : Korean Culture Center of Microorganisms Address : 361-221, Yusem D/D Hongje-1-dong, Seodaemun-gu SEOUL 120-191 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: Sep. 5, 2002 <div style="text-align: right; margin-top: 10px;">  </div>


¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired: where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the International depositary authority.

BUDAPEST TREATY ON THE INTERNATIONAL
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FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To: Young Chul Sung
Department of Life Science,
Pohang University of Science and Technology,
Pohang 750-784, Korea

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I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : Ad-gDs/ST	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10418
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002. (date of the original deposit) ¹	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : Korean Culture Center of Microorganisms Address : 361-221, Yulin B/D Hongje-1-dong, Seodaeamun-gu SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: Sep. 5, 2002 <div style="text-align: center; margin-top: 10px;">  </div>


¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

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I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : rAd-EDsNS84	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10420
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002. (date of the original deposit) ¹	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : Korean Culture Center of Microorganisms Address : 351, 221, Yiwim B/D Hongje 1-dong, Seodaeamun-gu SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s) : Date: Sep. 5, 2002 <div style="text-align: right; margin-top: 10px;">  </div>


¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

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Pohang 790-784, Korea

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issued pursuant to Rule 7.1 by the
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identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : RAD-NS5	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10119
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002, (date of the original deposit) ¹	
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Name : Korean Culture Center of Microorganisms Address : 361-221, Yurim B/D Hongje-1-dong, Seodaemun-gu SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: Sep. 5, 2002 <div style="text-align: center; margin-top: 10px;">  </div>

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